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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/982,635

Applicant(s)

MAGUIRE et al.

Examiner

KURT ROWAN

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3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ferrule, the annular rings on the exterior surface of the ferrule, the diameter of the shoulder being somewhat larger than the fishing line guides, the elongate tube extending to the fishing reel, the captivating device captivating the elongate tube to the fishing reel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8, 9, 10, 11, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bahn.

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The patent to Bahn shows a tangle free fishing rod 1 having a plurality of line guides 4, 8. In reference to claims 1 and 10, Bahn shows a fishing line containment apparatus 9 installed through at least two such as guides 4 and 8 of the plurality of line guides. Bahn shows two captivating devices 17, 21 configured to be detachably connected to an end of the elongated tube. In reference to claims 8, 16, Bahn shows lead line 14. In reference to claim 9, Bahn discloses a reel in column 2, line 17. In reference to claim 11, inherently the tube of Bahn is flexible.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 4, 12, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn.

The patent to Bahn shows a fishing pole enhancement kit as discussed above. In reference to claims 2 and 18, Bahn shows captivating devices at one end of the tube such as elements 17 and 21. However, it would have been obvious to employ a captivating device at each end for multiplied effect. See *In re Harza*, 124, USPQ 378. In reference to claims 4 and 12, Bahn does not disclose what the tube is made from, but it would have been obvious to construct the tube

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from at least one of plastic, vinyl, fiberglass, rubber, graphite, and metal since the selection of a known material is based on its suitability for the intended use. See *In re Leshin*, 125 USPQ 416.

In reference to claim 17, Bahn does not show the elongate tubing extending to the reel and one of the captivating devices captivating the elongate tube to the reel, but it would have been obvious to mount the elongate tube to the reel to prevent line tangles.

6. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn as applied to claim 1 above, and further in view of Patterson.

The patents to Bahn and Patterson show tangle free fishing poles. Bahn has been discussed above and does not show elongate tube is a coiled spring. Patterson shows an elongate tube 6 as a coil spring. In reference to claims 5 and 13, it would have been obvious to provide Bahn with a coiled spring tube as shown by Patterson since merely one equivalent tube is being substituted for another and the function is the same.

7. Claims 6-7 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn as applied to claim 1 above, and further in view of Sousa.

The patents to Bahn and Sousa show fishing rods with enhancement kits. Bahn has been discussed above and does not show the captivating devices having ferrules. Sousa shows a captivating device 328 in Figs. 8-9 having a ferrule 328 having rings 22' on an exterior surface.

The ferrule having a shoulder with hook portions 330 on an end thereof. In reference to claims 6 and 14, it would have been obvious to provide Bahn with ferrules as shown by Sousa to guide the

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line into the line guides to signal a bite to an angler. In reference to claims 7 and 15, Sousa shows the diameter of the shoulder being somewhat larger than the fishing rod guides.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bahn as applied to claim 1 above, and further in view of Barnett.

The patent to Bahn shows a fishing pole enhancement kit as discussed above. Bahn does not show a lead line for threading the fishing line. However, Barnett shows a fishing rod 1 with an elongate tube 2 having a lead line 40 in Fig. 16 for threading the fishing line 9. It would have been obvious to provide Bahn with a lead line as shown by Barnett for the purpose of threading the fishing line.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Yasui, Utsuno, Carabasse, Makie, FR 1,418,726, GB 306,594, and GB 10,745 show other fishing rods with line guides.

10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KURT ROWAN whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Kurt Rowan". The signature is written in a cursive, flowing style with a prominent initial "K".

KURT ROWAN

PRIMARY EXAMINER

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September 12, 2002